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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,356	12/16/2003	Floyd D. Simpson	CE10451J (79067)	6012

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EXAMINER	
FERGUSON, KEITH	
ART UNIT	**PAPER NUMBER**
2683	

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/737,356	SIMPSON ET AL.	
	Examiner	Art Unit	
	Keith T. Ferguson	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 December 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 11-21,23 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al..

The claimed invention reads on Lee et al. as follows: Regarding claims 11-15,17-20, Lee et al. discloses a method (fig. 3) of selecting a transmission time using a communication unit comprising providing a first receiver (blue tooth receiver)(148) in the communication unit that utilizes a first amount of energy during normal operation (paragraph 0025, paragraph 0029, paragraph 0037 through paragraph 0038); providing a second receiver (CDMA receiver)(152) in the communication unit that utilizes a second amount of energy during normal operation (paragraph 0025, paragraph 0035, paragraph 0037 through paragraph 0038), which second amount of

energy is greater than the first amount of energy (paragraph 0025, paragraph 0029, paragraph 0037 through paragraph 0038); providing a duration of time (paragraph 0025, paragraph 0029, paragraph 0037 through paragraph 0038); operating the second receiver in a reduced power mode of operation during at least a part of the duration of time (paragraph 0025, paragraph 0029, paragraph 0037 through paragraph 0038 and paragraph 0059 through 0060); using the first receiver to monitor a channel to thereby detect indicia of transmissions from other communications units during at least a part of the duration of time (paragraph 0025, paragraph 0029, paragraph 0037 through paragraph 0038 and paragraph 0059 through 0060); modifying the duration of time as a function, at least in part, of any detected transmissions from other communication units to provide a modified duration of time (paragraph 0025, paragraph 0029, paragraph 0037 through paragraph 0038 and paragraph 0059 through 0060); operating the second receiver in an increased power mode of operation as a function, at least in part, of the modified duration of time (paragraph 0025, paragraph 0029, paragraph 0037 through paragraph 0038 and paragraph 0059 through 0060); selecting a transmission time as a function, at least in part, of the modified duration of time (paragraph 0025, paragraph 0029,

paragraph 0037 through paragraph 0038 and paragraph 0059 through 0060).

Regarding claim 16, Lee et al. discloses providing a duration of time as a function, at least in part of selecting a value in at least a pseudorandom manner (i.e. a processor set a predetermine time to go from idle time to wake up time such as .64 seconds, 1.28, seconds, every 2.56 seconds)(paragraph 0036 through paragraph 0038, paragraph 0033 and paragraph 0059 through paragraph 0060).

Regarding claims 21,23,24, Lee et al. discloses a communication unit (fig. 1 number 100) comprising: a first receiver that utilizes a first amount of energy during normal operation (fig. 1 number 148 and paragraph 0025, paragraph 0029, paragraph 0037 through paragraph 0038); a second receiver that is at least partially discrete from the first receiver and that has at least a first mode of operation and a second mode of operation (fig. 1 number 152 and paragraph 0025, paragraph 0035, paragraph 0037 through paragraph 0038), wherein the first mode of operation utilizes a second amount of energy that is greater than the first amount of energy and the second mode of operation utilizes a third amount of energy that is less than the second

amount of energy (paragraph 0025, paragraph 0029, paragraph 0037 through paragraph 0038), a processor (controller) that has a mode-selection output operably coupled to the second receiver (fig. 1 number 146 and paragraph 0025, paragraph 0029, paragraph 0037 through paragraph 0038), a transmission scheduler having a next-scheduled transmission time output that is responsive to the first receiver and that is operably coupled to the controller (fig. 1number 160 and paragraph 0025, paragraph 0029, paragraph 0037 through paragraph 0038 and paragraph 0059 through 0060); such that the first receiver can monitor a communication channel using a particular amount of energy while the controller causes the second receiver to operate in the second mode of operation to thereby also use no more than the particular amount of energy (paragraph 0025, paragraph 0029, paragraph 0037 through paragraph 0038 and paragraph 0059 through 0060), and the transmission scheduler can determine a next-scheduled transmission time as a function, at least in part, of the first receiver's monitoring of the communication channel paragraph 0025, paragraph 0029, paragraph 0037 through paragraph 0038 and paragraph 0059 through 0060), and the controller can use the next-scheduled transmission time to determine when to switch the

second receiver from the second mode of operation to the first mode of operation (paragraph 0025, paragraph 0029, paragraph 0037 through paragraph 0038 and paragraph 0059 through 0060).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-8 and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Falaki in view of Stattin et al..

Regarding claims 1-7, and 25-27, Falaki discloses a method (fig. 5) comprising: at a communication unit (dual mode user equipment)(UE) (fig.4 and paragraph 0030 and paragraph 0054): determining a need to transmit a communication on a channel (abstract, paragraph 0010); using a first receiver to monitor indicia of energy on the channel while substantially simultaneously placing a second receiver into a reduced power mode of operation (paragraph 0010, paragraph 0011 and paragraph 0030, paragraph 0040), wherein the first receiver uses less power during normal operation thereof than the second receiver uses during normal operation thereof (paragraph 0010, paragraph 0011, paragraph 0030 and claim 1). Falaki differs from claims 1 and 25 of the present invention in that it does not explicit disclose electing an activation event as a function, at least in part of the indicia of energy on the channel, wherein the activation event includes at least: placing the second receiver into an increased power mode of operation; and transmitting on

the channel. Stattin et al. teaches a method (abstract and paragraph 0012) for electing a WCDMA system or GSM system based on monitoring two systems (fig. 1 number 26 and paragraph 0022 through paragraph 0024), transmitting among the two system (i.e. the wireless device switch from idling to increase power mode)(WCDMA TX 20 or GSMTX 24)(paragraphs 0022-0024 and paragraph 0034), and selecting GSM TX for transmitting (fig. 2 number 26, switch B). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Falaki with electing an activation event as a function, at least in part of the indicia of energy on the channel, wherein the activation event includes at least: placing the second receiver into an increased power mode of operation; and transmitting on the channel in order for the dual mode user equipment to select the GSM system when making a call while monitoring the UMTS system when roaming, as taught by Stattin et al..

Regarding claims 8 and 28, Falaki discloses placing a second receiver into a reduced power mode of operation for at least a first predetermined amount of time (paragraph 0010).

5. Claims 9,10,29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Falaki in view of Stattin et al. as applied to claims 1,8 and 25-28 above and in further view or Lee et al..

Regarding claims 9,10,29 and 30, the combination of Falaki and Stattin et al. differs from claims 9,10,29 and 30 of the present invention in that they do not disclose a portion of the first predetermined amount of time represents a dynamically pseudorandom selected of a value amount of time. Lee et al. teaches a dual bluetooth/wireless unit comprising a Bluetooth

receiver and a CDMA receiver (fig. 1 numbers 100,148 and 144) for monitoring a Bluetooth device and CDMA base station (fig. 1 numbers 114 and 182), wherein a wake up portion of the first predetermined amount of time represents a dynamically pseudorandom selected of a value amount of time (i.e. the processor set a predetermine time to go from idle time to wake up time such as .64 seconds, 1.28, seconds, every 2.56 seconds)(paragraph 0036 through paragraph 0038, paragraph 0033 and paragraph 0059 through paragraph 0060). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the combination of Falaki and Stattin et al. with a portion of the first predetermined amount of time represents a dynamically pseudorandom selected of a value amount of time in order for the dual mode user equipment to know when to sleep and wake when receiving or transmitting a message to/from either the GSM system or UMTS system, as taught by Lee et al..

6. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. in view of Awater et al..

Regarding claim 22, Lee et al. discloses a method as discussed supra in claim 21 above. Lee et al. differs from claim 22 of the present invention in that it does not disclose the second receiver comprises an 802.11 compatible receiver. Awater et al. teaches a transceiver that is 802.11 compatible

(abstract, and paragraph 0033 through paragraph 0034). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lee et al. receiver to a 802.11 compatible receiver in order for the dual mode device in the 2.4-2.5GHz ISM (industrial scientific and medical) band, as taught by Awater et al..

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith T. Ferguson whose telephone number is (703) 305-4888. The examiner can normally be reached on 6:30am-5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Keith Ferguson
Art Unit 2683
February 18, 2005